

**MINUTES  
TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES  
REGULAR TOWN COUNCIL MEETING**

**Thursday, April 26, 2007  
3:30 p.m.**

PRESENT: Thomas W. Cadden, Mayor  
E. William Kenyon, Vice Mayor  
William H. Ahrens, Councilmember  
Frances F. Atchison, Councilmember  
David J. Becker, Councilmember

STAFF PRESENT: Robert J. Bradshaw, Town Manager  
Laura Aldrich, Town Clerk  
Richard Jefferson, Building Official  
William Schauman, Director, Public Safety Department

OTHERS PRESENT: 7 residents

1. **Call to Order.** Mayor Cadden called the meeting to order at 3:30 p.m.
  - a. Pledge of Allegiance
  - b. Invocation – Vice Mayor Kenyon
  - c. Roll CallMr. Bradshaw asked to pull item 3a and 3d from the agenda, which was approved by the Mayor and Council.

**Consent Agenda**

- a. Acceptance of Planning, Zoning & Variance Minutes of March 12, 2007
  - b. Approval of Special Organizational Town Council Meeting Minutes, March 19, 2007
  - c. Acceptance of Chapter 185 Pension Board Meeting Minutes, March 22, 2007
  - d. Approval of Regular Town Council Meeting Minutes of March 22, 2007
  - e. Approval of March 26 Ferrell Gas Invoice, Tanks for Generator
  - f. Approval of April 4 Custom Marble & Granite Invoice, Council Chambers Desktop
  - g. Approval of April 10 Carl Brobst Construction Invoice, Millwork Council Chambers
  - h. Approval of Engagement Letter for Beth Rawlins, Inc.
  - i. Approval of Engagement Letter for Brown, Garganese, Weiss, & D'Agresta, P.A.
- Mayor Cadden asked if there were any questions. A **motion** was made by Vice Mayor Kenyon and seconded by Councilmember Atchison **to accept items on the consent agenda as presented**. The motion passed unanimously.

3. **Mayor's Items.**
  - a. Presentation of Semi-Annual Recognition of Public Safety Department Employee Award  
(*pulled from agenda, to be added in May*)
  - b. Proclamation: Administrative Professional's Week  
Mayor Cadden read the Proclamation honoring the administrative staff for the Town of Indian River Shores during Administrative Professional's Week, April 29 – May 5<sup>th</sup>. A **motion to approve the proclamation was made by Councilman Becker and supported by Vice Mayor Kenyon passed by unanimous vote.**
  - c. Discussion and Update on Proposed Charter County With Possible Action  
Mayor Cadden said all were probably aware that he had been very involved since this issue began, having attended all of the County meetings and workshops on the subject that have

been held. He said he is drastically opposed to charter government, and believes it would cause nothing but problems. Therefore, he will continue to work with all of the other municipalities towards an interlocal agreement as covered under Statute 171.2. The required initiating document was approved by the City of Fellsmere, and all municipalities have verbally agreed to it. **A motion to participate in the Interlocal Agreement was made by Vice Mayor Kenyon and supported by Councilman Becker received unanimous approval** from the Council. Mr. Bradshaw said that the time set for the County and municipalities to respond with approval of this agreement is June 17<sup>th</sup>. Mayor Cadden said that the next step is to see how the County Commission votes on the Interlocal Agreement.

Mr. Bradshaw asked Mayor Cadden if he wanted to mention the Managers meetings, and Mayor Cadden said that they had met twice with attorneys from municipalities and the County to begin developing the Interlocal Agreement. He added that the County Commission meeting on May 1<sup>st</sup> would be a key date to see which direction they will proceed, towards the Interlocal Agreement or the Charter.

d. Letter To Delay Public Hearing (*pulled from agenda*)

4. **Planning, Zoning and Variance Board** – Jerry Weick  
(Nothing to report)

5. **Town Attorney**

a. First Reading - Ordinance 488, Concurrency Management System & Proportional Share  
Mr. Clem stated that this item had been brought before the Planning, Zoning and Variance Board at a hearing, and there were minor technical changes made. He performed the first reading as follows:

**ORDINANCE 488**

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY REPEALING THE SECTIONS 168.02 “PUBLIC FACILITY CAPACITY OR CONCURRENCY” AND 168.03 “CONCURRENCY STANDARDS” AND ADOPTING NEW CONCURRENCY MANAGEMENT PROCEDURES COMPLYING WITH CURRENT FLORIDA STATUTES INCLUDING, BUT NOT LIMITED TO, SECTION 163.3180 (16), BY ESTABLISHING A PURPOSE AND INTENT, COMPREHENSIVE PLAN CONSISTENCY MANDATE, DEFINITIONS, APPLICABILITY AND EXEMPTIONS, MEASUREMENT OF LEVEL OF SERVICE, AVAILABLE CAPACITY, DETERMINING CRITERIA FOR CONCURRENCY AND FINAL DEVELOPMENT ORDERS; ESTABLISHING A PROCEDURE FOR IMPLEMENTING THE STATE LEGISLATIVE MANDATE FOR A PROPORTIONATE FAIR-SHARE OPTION TO MITIGATE DEFICITS IN TRANSPORTATION FACILITIES; AND PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Mr. Clem said that the Legislature has mandated that the Town pass something like this to give a developer an alternative way to pay for roads. We can’t conceive how this applies to the Town of Indian River Shores, but it does comply with State laws. Mr. Solin, the Town Planner, has worked with Mr. Clem in preparing this ordinance. **A motion was made by Vice Mayor Kenyon and seconded by Councilman Becker to approve the first reading of Ordinance 488, and was passed unanimously by the Town Council.**

6. **Town Manager**

- a. Resolution 07-02, Expenditure on Charter Effort to Serve Public Purpose  
Mr. Bradshaw read the resolution in title as follows:

RESOLUTION 07-02

A RESOLUTION OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA FINDING THAT THE EXPENDITURE OF MONEY IN OPPOSITION TO PROPOSED INDIAN RIVER COUNTY CHARTER SERVES A PUBLIC PURPOSE; PROVIDING THAT THE DISSEMINATION OF INFORMATION CONCERNING THE IMPACTS OF THE PROPOSED COUNTY CHARTER ON THE CITIZENS OF TOWN OF INDIAN RIVER SHORES AND THE TOWN IS ESSENTIAL TO THE HEALTH, MORALS, PROTECTION AND WELFARE OF THE TOWN AND ITS CITIZENS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Bradshaw said that this came about due to the discussions at the County meetings about a lot of taxpayer dollars being spent via the County's General Funds to develop a charter that the people have not yet voted for without specific approval from all of the taxpayers. A **motion was made to approve the Resolution 07-02 by Councilmember Atchison and supported by Vice Mayor Kenyon.** There was no further discussion, from the Council. Mayor Cadden said that he thinks it is in the Town's best interest. One concern the Mayor has is that once the Charter is in place, he has been assured by all of the County Commissioners that they would never touch the Town or restrict it in any way, which is fine. But future commissions and the ability to change the Charter leave us in a vulnerable position. One of the things that has been accomplished in other counties with Charter government is that they have taken over all of the public safety activities in the entire county, claiming that they can save money and hold it to a higher standard by doing so. "We have the finest Public Safety Department, as far as I am concerned, in the State of Florida," Mayor Cadden continued. He also thought Indian River Shores has the finest paramedics, and the reason many residents live in the Town is to have this level of service. He added that he feels that his obligation is to perpetuate this Town as it has been, and the predecessors in the Town Council have done a fantastic job in keeping this Town a wonderful place to live.

Mayor Cadden continued by saying he has been trying to get dual referendum language in the Charter, but every time language is given to the Charter Review Committee, they accept it and then ignore it. "Charter Light" doesn't stay light for very long when viewing the history of charter counties, and there are lawsuits continually between the municipalities and their counties under charter form of government. He has been told that it is not constitutional to have dual referendum, but has a Pinellas County settlement that shows not only is it constitutional, it was stipulated in the lawsuit that they will never use tax money again to try and remove it from the charter. Mayor Cadden said he is trying to stay up with the facts, and the facts are telling him that the Charter County is not the way to go.

Vice Mayor Kenyon said that they are being mislead by the County's consultant hired as a spokesman, which he witnessed at two separate County meetings. For instance, it has been said that the County can't take over a public safety department, and that is not true.

Councilman Ahrens asked how we planned to make the Town's residents aware of the Resolution that had just been passed. It will be on the bulletin board, Mr. Bradshaw answered. Some mailings will be done, the Mayor added. Vice Mayor Kenyon said that he had spoken with John's Island Property Owners Association, and they are very interested and anxious to help disseminate information via e-mail.

Timeliness of having information sent out due to a possible referendum this summer was discussed, with Mr. Clem reminding them of its unlikelihood due to the legislation just passed requiring new voting equipment. Mayor Cadden added that it is not reasonable from a standpoint of hurricane season, either, or the \$75,000 - \$85,000 cost to hold a special election.

There being no further discussion, the call was made on the **motion, which passed unanimously.**

b. Public Safety Building Addition Bids

As authorized by Council at the last meeting, an advertisement for bids was placed, and six bids were received. Mr. Bradshaw then turned the item over to Richard Jefferson, Town Building Official, for further explanation. Mr. Jefferson stated that the bids varied widely, and after reviewing them determined it was more cost efficient to add a second story to the proposed 4-bay garage. His original estimate of approximately \$792,000 was just for the single story garage, and he received a bid for \$355,800 completely finished, including a second story.

Vice Mayor Kenyon asked what would be done with the second story, and Mr. Jefferson said the weight room, storage, and meeting/multi-purpose area could be there.

Councilmember Atchison said that the bids didn't look "apples for apples," and asked him if they all used the same specs. Mr. Jefferson said that they didn't all bid the same – some included finished pricing and others didn't, but he considered them "apples to apples" as provided. The bid with the 2<sup>nd</sup> floor was an additional \$38 per square foot, and this \$75 square in total is an exceptional price.

Vice Mayor Kenyon asked the Town Manager what he thought about the two-story building, and he replied that we need all of the space we can get, and he thought it unwise to not take advantage of the price. Mr. Jefferson added that architecturally, it will look much better than just a one-story building.

Councilmember Atchison asked if they were pleased with everything the contractor has done thus far at Town Hall, and Mr. Jefferson said that he was.

Councilman Ahrens said it is a remarkable price. He added that he had seen the elevation drawings and said he would like to see the roof extended so it looks like one building. Mr. Jefferson showed that the new building would mirror exactly what we have now, which was acceptable to Councilman Ahrens. Mayor Cadden asked if it would have drive-through bays, and Mr. Jefferson said they would drive around the back and enter the building ready to exit onto Fred Tuerk Drive.

Mr. Jefferson said when he approached the Council for conceptual approval he had estimated \$752,000 for the new building, and this quote is \$355,000 just for the new building. He asked for permission to use the approximately \$400,000 to remodel the existing building. Councilman Becker asked if he had any current bids on the remodeling, and Mr. Jefferson said that he did not, but at \$75 per square foot for the new addition, it would be much less than that to remodel the existing structure.

Councilman Becker made a **motion to build a two-story building using Carl Brobst, Inc. as contractor, which was seconded by Vice Mayor Kenyon and passed unanimously.**

Mayor Cadden asked Mr. Jefferson to come back next month or at a future meeting with estimates on remodeling the existing building.

c. Treasure Coast Regional Planning Council (TCRPC) Membership and Alternates

Mayor Cadden asked the Council if they had reviewed the information on this item, as Vice Mayor Abell from The City of Vero Beach had previously approached the Town Council and

had heard their recommendation. The April 17<sup>th</sup> proposal from Vice Mayor Abell ignored the recommendation of the Town to have the larger municipalities (Vero and Sebastian) share one seat and the three smaller municipalities (Fellsmere, Indian River Shores, and Orchid) share the other. It also excluded Orchid except if there is an issue that pertains to them, but all of the municipalities would receive information packets to the meeting. Mr. Bradshaw recommended that the Council stand behind the letter that the Mayor had written and leave it at that, and they agreed.

7. **Call to Council**

a. Community Center Floor & Window Treatments (Cmbr. Atchison)

Councilmember Atchison said that there have been many complaints of noise levels in the Community Center, and that as requested, she has obtained two quotes for window treatments and another for flooring. Florida Floor Fashions is a local flooring specialist company that has the ability to manufacture specific carpeting sized on-site and to correct any problems, which no other local company could match at a reasonable price. Her recommendation is to accept bids for 1) two different types of window treatments (horizontal blinds and vertical sliders and 2) for the floor, several lengths of carpeting with latex base that could be rolled up and set aside if needed.

Councilman Becker asked if there was a reasonable probability that this would solve the problem, and she replied that it would help. She mentioned that there is another possible solution that Councilman Ahrens had mentioned, which is to apply soundproofing to the ceiling or walls.

Vice Mayor Kenyon said he had a problem with covering the floor with some type of material, which is usually dirty, spotted and smelly. The existing floor was installed because it was easy to clean and maintain, and he did not think it should be covered up.

Mr. Jefferson said he thought carpet strips would be too cumbersome to roll and store and would be a trip hazard. Councilmember Atchison said that during Bridge, if somebody spills a beverage it is dangerous as a slip hazard. She said she likes the wood floor, but it is creating a problem. Mr. Jefferson asked if anyone had heard any complaints from groups other than the Bridge group, and several of the Council spoke simultaneously that they had only heard from Bridge players.

Vice Mayor Kenyon suggested that they try the window treatments and see how it helps first. Councilman Ahrens said that as in a hotel, a good quality carpet definitely helps with the acoustics. Mayor Cadden asked about acoustic absorbers on the wall, and Councilman Ahrens said they could try fabric panels. Councilman Becker asked if they might inquire of a sound specialist, and Mayor Cadden agreed that professionals with sound systems might be able to advise of a solution.

Vice Mayor Kenyon **made a motion to approve the purchase of window treatments from Shades to Shutters for the Community Center, which was seconded by Councilman Ahrens and approved unanimously by the Council.**

b. Hand Railing at Handicap Ramp to Town Manager's Office (Cmbr. Atchison)

Councilmember Atchison stated that at the Town Picnic, she watched as three people throughout the day had difficulty stepping off of the sloped area between the Town Manager's office and the Community Center. She said that this caused her concern from a liability standpoint, and requested consideration of a hand rail on the side towards the lawn. Mr. Jefferson said that continuing the plantings along the sidewalk rather than a handicapped railing, which has to be substantial enough to hold 250 pounds on both sides and can be rather costly. Councilmember Atchison said that bushes would be fine.

c. Committee Reports

MPO. Councilman Becker said that the MPO met, but he was not at the meeting. He did review the agenda and there did not seem to be anything of particular interest to the Town. Treasure Coast Regional League of Cities (TCRLC). Vice Mayor Kenyon said that the meeting on April 18<sup>th</sup> was an organizational meeting. Assignments were made for Chairman, Vice Chairman, and Treasurer to Vero, Sebastian and Okeechobee, respectively. The next meeting, with a planned topic of tax legislation and budgets is scheduled for June 20<sup>th</sup> in St. Lucie City Hall. The August meeting will be held at the Florida League of Cities Annual Meeting in Orlando August 16-18.

Beach and Shores Preservation. Councilman Ahrens said that the dredging activity that was taking place at two of the beaches had to be halted because of turtle nesting season. The second item on the agenda was that the County should investigate owning their own dredge.

LAAC. Councilmember Atchison reported that this committee met Wednesday and Thursday for four hours each day to visit various sites. Today she received notice that there is a special called meeting with the St. Johns Water Management District for next Wednesday. The SJWMD is apparently going to have an item on their agenda for May 8<sup>th</sup> to discuss a land swap with the Corrigan property, which location she was unsure of.

Vice Mayor Kenyon asked how she was doing with the sessions with the Public Safety Department, and she replied that they have met with twelve (12) home owner associations. The meetings are very informative and productive. She said she had read about the African Killer Bee Training, and asked Chief Schauman if there have been any sightings around here. Chief Schauman said that the entire State is in training, and there was one call in Indian River Shores about a swarm, but none were found. They are very aggressive and dangerous bees, he continued, and stated that they need special training to handle them.

Vice Mayor Kenyon asked Chief Schauman if the practice had taken place at the John's Island Beach Club yet, and the Chief replied that on Monday, Tuesday and Wednesday the joint venture with the Indian River County Fire Department and Dispatch went very well. The building was scheduled for demolition, so they were able to practice scenarios with cutting holes in the roof and simulated smoke rescues.

Chief Schauman also said that on the Channel 12 news tonight they will hear that there was a multi-agency task force operation which resulted in 48 warrants and 22 actual arrests being made in the biggest drug bust in South Florida, which was started in Wabasso-Gifford area. The Indian River Shores Public Safety Department was involved in this operation. Eight people in our area (Wabasso) are probably going to jail for life, the Chief reported, and they are hoping that this will stop \$1.5 million in drug trafficking every month in this part of the State. The Town may get some of the assets seized from this raid.

Treasure Coast Council of Local Governments (TCCLG). Mayor Cadden reported that the planning manager from Stuart did a presentation on a new set of building standards for their downtown area that simplified requirements involved from 30 pages to just a few. The height restrictions and facades are being enforced with flexibility that retains the standards, he continued. It was a very nice presentation, but is more applicable to someone like the City of Vero Beach to keep the character of the downtown area than for Indian River Shores. In March, an excellent presentation was brought in by Martin County Commissioner Doug Smith on the Green Building Code, or making buildings an environmentally friendly as possible. Cost savings were mentioned, and he has spoken with Indian River County Commissioner O'Bryan, who is forming an Ad Hoc committee on Green Building in the

County. Councilmember Atchison said that she will be on that committee, which is meeting tomorrow. There will also be a workshop on May 12<sup>th</sup> for all of the municipalities.

Vice Mayor Kenyon said that at the TCRLC meeting, they have suggested that Mayor Cadden be their representative to the Florida League of Cities, as he currently holds the seat for the TCCLG. Mayor Cadden indicated that he had already received correspondence to that effect and had responded affirmatively.

8. **Call to Audience.** Clark Daugherty, 321 Indian Harbor Road, apologized that he arrived late and missed the discussion on Charter. He said that he has been a resident in Indian River Shores since 1972, and has tried to educate himself as well as he could on the Charter issue by watching the County Commission meetings. He stated that he thinks it is imperative that the Mayor continues trying to educate the community. He said his age group has been here since the 1960's for the most part, and the technicalities as described are not what will be convincing or will get interest from them. You and your predecessors, Mr. Daugherty addressed the Council, have offered this community safety in the form of paramedics, police protection, and fire protection, which is understood and appreciated. They all feel that this is a paramount service to the community, and recognize that the Town has handled the finances exceptionally well over the years. Mr. Daugherty said he has never heard a complaint in all of his years here relative to the financial aspect – taxation or anything else – in Indian River Shores. They recognize that the Town Council are a people of integrity, with nothing negative or unfavorable ever spoken. He concluded that if the Council will say what will happen to them under the Charter form of government that is different, such as their Public Safety Department being threatened, that will get their attention. He thanked the Council for their attention.

Mayor Cadden thanked Mr. Daugherty for coming and stating his opinion, and said that he is on the agenda May 1<sup>st</sup> at the County Commission meeting. The Mayor agreed with a quote from Commissioner Wheeler that this is probably the most important issue that the County has faced since 1925, and he said it is very important issue that must be handled in the correct way, which in his opinion is through an interlocal agreement and not a charter.

Jack Mitchell, 220 Sandpiper Point, said that there was an article in the paper the other day that a Professor of Political Science at Stetson University had authored, and in it he stated “Don’t move too fast.” Many don’t understand this issue. He is hoping and assumes that Resolution 07-02 will help get the information out. People he has talked to don’t want to see the community change, as they have worked hard to make it to where it is today. He thanked the Council for being so willing to spend their time and effort in this important effort. Mr. Mitchell emphasized that people have to understand the pros and cons of charter government.

9. **Adjournment.** There being no further discussion, Mayor Cadden adjourned the meeting at 4:40 p.m.

\_\_\_\_\_/s\_\_\_\_\_  
Laura Aldrich, Town Clerk

*(Approved by the Town Council at the 5/24/07 meeting)*